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2 Q. And when was it that she quit?

3 A. Early -- I don't recall.

4 Q. Early of 2005?

5 A. No.

6 Q. Early 2004?

7 A. I have no idea. I have to go back and

8 look.

9 Q. Was it the year 2003?

10 MR. GOGGIN: He said he has no idea.

11 A. No.

12 Q. How did Janet communicate to you that
13 she had had enough and wanted to quit?

14 A. Stopped selling the product and told us
15 in e-mail that she's no longer going to rep the
16 line.

17 Q. And does that e-mail reference Pandora?

18 A. I have to go back and -- I don't
19 recall.

20 Q. Do you still have that e-mail?

21 A. I have to go back and recall -- I don't
22 recall. I mean, I assume it's still there.

23 Q. Do you know if it's still there?

24 A. I haven't check every e-mail that I've
25 ever received.

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2 Q. I'm not asking about every e-mail. I'm
3 asking about this specific e-mail.

4 A. It's one that I received a year ago and
5 I assume it's still there.

6 Q. So you received a communication
7 approximately one year ago from Janet, is that
8 right?

9 A. Time frame, it could be a year, could
10 be 18 months, could be -- yes, it's some time
11 ago. I don't recall the exact date.

12 Q. Well, you just said it was a year. So
13 I'm just repeating what you said.

14 A. Going back I don't recall when she
15 actually left.

16 Q. But do you recall when she sent the
17 e-mail?

18 A. The day she quit.

19 Q. You said that's approximately a year
20 ago?

21 A. It could be approximately a year ago,
22 correct. Could be 18 months ago. Could be 16
23 months ago.

24 Q. What did she communicate to you about
25 Pandora?

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2 A. Complaints from her customers.
3 Customers that were afraid to do business with
4 her because she was selling Chamilia products and
5 that -- all of her customers were told from
6 Michelle Murphy in the Minnesota area that
7 Pandora was closing down Chamilia with a patent
8 and they can no longer sell our product. And
9 that Pandora was coming into their stores and
10 confiscating all of their inventory.

11 Q. That they would be doing that or that
12 they were doing that?

13 A. They would be doing that. And there's
14 other incidences where they said they have done
15 it already to certain customers?

16 Q. Did Janet indicate to you or identify
17 who these were customers?

18 A. No.

19 Q. As you sit here today, do you know the
20 names of these customers?

21 A. One of them was The General Store in
22 Minnesota. I had an order -- she had an order
23 with them, received a call from Michael Lund and
24 canceled the order. It was about a \$3,000 order
25 she canceled. And it had been a great customer

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2 to have over the time period.

3 Q. And what is her name of The General

4 Store?

5 A. Jenny.

6 Q. Jenny?

7 A. Jenny.

8 Q. Jenny what?

9 A. I do not know.

10 Q. And when did General Store cancel an

11 order with Chamilia?

12 A. Summer of 2004.

13 Q. Do you have a copy of the order that

14 The General Store placed with Chamilia?

15 A. No. I was actually at a trade show

16 there and Jenny told me personally she's

17 canceling her order because she just received a

18 call from Michael that weekend. That was the

19 first time in Minnesota because I was out there

20 working with the new rep group.

21 So it was that trade show for the

22 summer of 2004 that Janet left just prior to

23 that.

24 Q. Do you have a copy of the initial order

25 placed by The General Store?

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2 A. I'd have to go back. The sales rep
3 might. One may have been faxed over or just
4 called in verbally to cancel it.

5 Q. Have you ever seen it?

6 A. No.

7 Q. Did you ever --

8 A. Yes, I'm sorry, I may have. She did
9 write an order with us at that show.

10 Q. But she canceled the order at the same
11 show?

12 A. She came back. I don't recall all the
13 details. She came back the next day. I saw her
14 two or three times during that show.

15 Q. And what did she communicate to you
16 that Michael Lund said?

17 A. They he had a patent and told her not
18 to buy the product because he was going to close
19 down Chamilia August 19. And that if she bought
20 it, he would go into her store and confiscate all
21 of her inventory and sue her for all of the
22 sales.

23 Q. And were you present when Michael Lund
24 communicated that to Jenny?

25 A. No, she told me.

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2 Q. So besides The General Store in
3 Minnesota, as you sit here today you can't
4 identify any other customers which Janet had
5 worked who refused to sell Chamilia products as a
6 result of statements made by Pandora?

7 A. There's quite a few more canceled
8 orders or customers carried us and stopped
9 carrying us afterwards. Customers asked to
10 return product. I got a letter from a customer
11 in another area that said "Due to Pandora's
12 patent, I want to send all my product back.
13 Please send me a full refund."

14 Q. But other than The General Store, you
15 cannot name any other retailers?

16 A. Seven Seas, that's in Kansas.

17 Q. With respect to -- I'm sorry. With
18 respect to Janet's territory.

19 A. I can go back and look. I don't recall
20 any others from that show. Clearly Janet was
21 frustrated because she left repping the company
22 because she was having hard times with lots of
23 accounts in the area, many accounts in the area.

24 Q. Besides The General Store what other
25 accounts was Janet having difficulties with?

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2 A. I'd have to go back and -- I don't
3 know. Lisa Whirlow lost about nine or 10 sales
4 reps.

5 Q. Do you know their names?

6 A. Rob Shore, Mike McGrievy, Tony Brandon,
7 Ivy -- what's the other gentleman's -- those are
8 the ones that I recall off the top of my head.

9 Q. What are the reasons for these
10 individuals to depart the employment of a
11 Chamilia sales rep as a Chamilia sales rep?

12 A. They're -- they served territories.
13 They know the customers. They serve that area.
14 Pandora reps have gone into those
15 accounts, were called -- were called from Michael
16 Lund that Pandora had a patent or their customers
17 were told by Pandora reps that Pandora had a
18 patent, was closing down Chamilia on August 19,
19 or that was the second time, closing Chamilia
20 down.

21 And that they would go into the store
22 and confiscate all of their inventory. So if you
23 want to do business with Chamilia, we're going to
24 sue you. But if you want to do business with us,
25 Pandora, all this will go away.

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2 Q. So what are the reasons that Bob Shore,
3 Mike McGrievy, Tony Brandon and Ivy left the
4 employ as sales representatives of Chamilia?

5 A. They couldn't convince the retailers to
6 work with them to sell Chamilia because they were
7 told or threatened by Pandora that they would be
8 sued if they carried Chamilia.

9 Q. What retailers did those individuals
10 need to convince to carry the Chamilia jewelry
11 products?

12 A. One was Italiancharms.com, Carinies --

13 Q. Italiancharms --

14 A. Italiancharms, I believe -- that's the
15 website.

16 Q. Italiancharms.com?

17 A. Yes.

18 Q. And that's in which area?

19 A. California area.

20 Q. Any others?

21 A. Pat's is another one in that area.

22 Q. Pat?

23 A. Or Pat was the owner's name. I think
24 the name of the account is Carinies.

25 Q. Could you spell that?

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2 in that territory.

3 Q. Have you personally heard sales
4 representatives or representatives of Pandora
5 make any statements regarding the confiscation by
6 sheriffs of Chamilia jewelry products?

7 A. Not confiscation. Just shutting down
8 and suing them for all profits and all sales.

9 Q. You've never personally heard a
10 representative of Pandora say anything with
11 regard to confiscation of products by sheriffs?

12 A. I did not hear -- no.

13 Q. Did you ever hear Michael Lund say
14 that?

15 A. Not that sentence, but I heard Michael
16 Lund say at the Atlanta gift fair that he was
17 going to close down Chamilia with his patent and
18 sue customers for all sales.

19 Q. And that was Atlanta 2000 --

20 A. January 2000 -- maybe February -- no,
21 January of 2005.

22 Q. And where were you when you heard this?

23 A. Standing right next to him bumping
24 shoulders.

25 Q. And where was that?

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2 A. Atlanta gift market, fourth floor.

3 After being upstairs in our showroom

4 for half a morning, we had four or five customers

5 come into the store and saying this is what

6 they're being told at the Pandora booth and they

7 are trying to make a decision on who to carry.

8 They were told that, from Michael Lund, that

9 Pandora would be closing down Chamilia. And

10 customers being customers go and investigate what

11 the story is and came upstairs and asked us if

12 that was true.

13 After hearing that several times in the

14 morning, I went down and stood in the aisle and

15 tried to find, hear, if I could find anything, or

16 hear that story. And I heard, started hearing

17 similar comments, looked over and found that that

18 was Michael Lund, by his name tag, and the

19 customer he was speaking with, Sue Thompson from

20 Bowling Green, North Carolina, or Christmas in

21 North Carolina was the store, telling the same

22 story that I just heard several times, that

23 Pandora will be closing Chamilia, suing customers

24 with their patent, patent that they had.

25 Q. You indicated that at the Atlanta gift

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2 market show four or five customers approached

3 you --

4 A. Correct.

5 Q. -- regarding statements by Michael

6 Lund?

7 A. Yes.

8 Q. And who were those customers?

9 A. I provided all the names to counsel. I

10 don't recall them off the top of my head.

11 Q. You can't recall them to me?

12 A. I'm sorry.

13 Q. You don't remember as you sit here

14 today?

15 A. That was one of them. Another one

16 was -- another customer was from Florida, Twisted

17 Sisters from Florida. Another customer was

18 somewhere in Atlanta, in Georgia. I don't recall

19 all the names of the stores at that point. I

20 have it all documented and provided it to

21 counsel.

22 Q. And what did Florida's Twisted Sister

23 communicate to you that Michael Lund said?

24 A. Same story. Don't carry Chamilia.

25 They'll be shut down. If you carry the line,

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2 we're going to sue you for your profits and
3 sales.

4 Hayden Gate is another one from
5 Florida, same story they were told. I believe
6 Laura Solomon of Hayden Gate. If they carried
7 Chamilia, that they'll be sued for the patent
8 that they have and that they will take all of the
9 profits.

10 Q. And when was Laura Solomon told that?

11 A. January of 2004.

12 Q. By whom?

13 A. Michael Lund.

14 Q. Were you present when Laura Solomon was
15 told this by Michael Lund?

16 A. That was the conversation that she told
17 me happened. So I went downstairs to see if that
18 was any truth to that. And I heard the same
19 story just those several customers that I
20 mentioned was actually what I heard myself.

21 Q. You didn't personally hear the
22 conversation --

23 A. I heard -- no, not that conversation.

24 Q. -- that Laura Solomon had with Michael
25 Lund?

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2 A. No. I heard Michael Lund tell that to
3 the other customer Sue Thompson from North
4 Carolina.

5 Q. You heard that conversation?

6 A. Yes.

7 Q. What did Michael Lund communicate to
8 that customer?

9 A. That he was shutting down Chamilia any
10 day with a patent. The lawyers are working on it
11 and they'll be shut down very soon. And that any
12 customer carrying Chamilia will be sued and all
13 the profits will be having to be paid back and
14 all product confiscated.

15 Q. Is Sue Thompson --

16 A. There was two of them.

17 Q. -- currently a customer of Chamilia?

18 A. I do not know.

19 It was her -- Sue Thompson and her
20 husband. I don't know if his name was John. I
21 wrote -- she gave me her card.

22 Q. Who --

23 A. I don't know --

24 Q. I'm confused. John played what role in
25 this?

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2 A. He was there also, Sue and John,
3 husband and wife, they owned the store.

4 Q. Christmas --

5 A. Christmas Tree something in North
6 Carolina.

7 Q. And you don't know whether or not
8 Christmas Tree carries Chamilia jewelry products?

9 A. I don't know.

10 Q. Do you know whether they ever have?

11 A. I believe they have. I'm not sure -- I
12 don't know when and where, but she wanted to come
13 up and talk to me and tell me what she was
14 hearing. Because I think she carried both lines.
15 I'm not exactly sure. You'll have to ask the
16 customer.

17 Q. Does Sue and John Thompson's store
18 currently sell Pandora?

19 A. I don't know.

20 Q. Does Florida's Twisted Sister currently
21 sell Chamilia products?

22 A. I do not know.

23 Q. Do you have any way of determining
24 whether or not they do?

25 A. I don't know.

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2 Q. Other than Newt Hofstra and Michael
3 Lund, have you had any other conversations with
4 Pandora representatives?

5 A. Not that I know.

6 Q. Going back to the Atlanta January '05
7 gift show, where were you when you overheard
8 Michael Lund speaking to individuals about
9 Chamilia?

10 A. At that time that booth was probably
11 again 10 by 15, 15 by 20. It was in a corner in
12 the back on the fourth floor, I believe the gift
13 mart floor, building number 3. I was standing
14 next to -- right in front of the area, like on
15 the line where the next booth starts. It's all
16 an open area. It's just a carpet where the booth
17 is on. Michael was standing sort of in front of
18 Pandora, half shoulder over into the other area.

19 Q. The other area of the aisle?

20 A. Depends which way, there's horizontal
21 and vertical, in the aisle, but halfway where his
22 booth was and where the next booth was. On the
23 edge of where the line of where his booth was and
24 the other booth was.

25 Q. And what was the other booth?

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2 A. I have no idea. Another company
3 selling something.

4 Q. Where were you standing when you
5 overheard Michael Lund speaking?

6 A. Shoulder distance next to him.

7 Q. Were you touching him?

8 A. Sometimes when he turned around he
9 bumped into me.

10 Q. So you were standing behind him?

11 A. To the side of him.

12 Q. So when he turned around what part of
13 him bumped into you?

14 A. Sideways, like two 45s.

15 Q. Two 45 degree angles, is that what you
16 mean by two 45s? I don't know what you mean.

17 A. It was 90, two shoulders -- it was a
18 several-minute conversation, so he was moving
19 around. It was never directly one time facing
20 right at me the whole time. It was both ways he
21 was standing towards me and talking, turning
22 around and talking to somebody else. He was
23 telling his conversation of shutting us down to
24 several people that were in the area. And he was
25 more or less rotating left to right telling

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2 February 2004?

3 A. No.

4 Q. Have you ever attended the Chicago gift
5 show?

6 A. No.

7 Q. Have you ever met Jodie Henderson?

8 A. No.

9 Q. Do you know who Jodie Henderson is?

10 A. I've heard the name.

11 Q. And how have you heard the name?

12 A. Customers complaining about -- Pandora
13 sales rep, customers complaining about what she
14 said to other customers regarding being shut down
15 and having all the store sales taken by Pandora.

16 Q. What customers have indicated to you
17 that Jodie Henderson has communicated that those
18 statements?

19 A. I don't recall.

20 Q. Who is Cathy Reilly, do you know?

21 A. Yes.

22 Q. And who is that?

23 A. Sales rep.

24 Q. In what territory?

25 A. The midwest.

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2 the extent it calls for attorney-client

3 communications.

4 MS. SHORT: What is his

5 understanding --

6 Q. What is your understanding of

7 Chamilia's complaint against Pandora in this

8 action?

9 A. My understanding is companies can

10 compete. I don't go ship a UPS package and UPS

11 isn't saying don't go ship with Fed Ex because

12 they're shutting Fed Ex down. I don't go to buy

13 a pair of Levi's jeans and Levi's doesn't say

14 don't buy Diesel because we're going to shut them

15 down.

16 No other companies I've dealt with have

17 talked about the number one selling technique

18 into scare customers that the other company is

19 going to be put out of business.

20 Q. What is your understanding of the

21 damage that Pandora has caused Chamilia as a

22 result of these statements?

23 A. It's lost customers.

24 Q. Okay. Which customers has Chamilia

25 lost as a result of statements made by Pandora?

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2 A. We've gone over several of those
3 customers today.

4 Q. In addition to those, what others?

5 A. I'd have to review. I don't know. We
6 have to go back and look and see which customers
7 we lost. Lisa knows quite a bit of customers
8 that she lost.

9 Q. Other than the ones that we've
10 discussed here today, what other customers have
11 you lost as a result of Pandora's statements?

12 A. Quite a few.

13 Q. But as you sit here today, can you
14 recall any other names?

15 A. I'd have to go back and look at all the
16 details. We lose customers -- you don't know
17 when you lose a customer all the time. How many
18 customers are going to be told one thing and make
19 a purchase decision to go elsewhere?

20 Q. What document are you going to go back
21 and look at to determine what customers you lost?

22 A. Talk to our sales reps who know their
23 accounts and have been told by them that we are
24 no longer ordering from Chamilia. We won't order
25 from Chamilia because they're going to be out of

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2 business.

3 Q. And what document would that be? Is

4 there a document?

5 A. Sales reps, sales reps lost orders,

6 sales reps canceled orders.

7 Q. Do you maintain a list of the customers

8 that you lost as a result of actions or

9 statements made by Pandora?

10 A. I know of the ones that I've had

11 conversations with. And --

12 Q. Which ones are those?

13 A. The General Store.

14 Q. Okay.

15 A. Yes, General Store in Minnesota.

16 Q. Okay.

17 A. The Joy Store in Texas,

18 Italiancharms.com, Carinies in California, Seven

19 Seas in Texas -- in Kansas. Those are just the

20 ones that I can remember off the top of my head.

21 Q. And none of those stores currently

22 carry Chamilia jewelry products?

23 A. To the best of knowledge, no.

24 Q. When was the first time you heard that

25 Pandora was making statements about Chamilia and

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2 its products?

3 A. 2004.

4 Q. Do you know approximately when in 2004?

5 A. It was consistent. It happened

6 regularly. Trade shows, customers -- going out

7 and talking to customers.

8 Q. So January of 2004 then?

9 A. I don't recall exact dates.

10 Q. Can you give me to the best of your

11 recollection what date it was?

12 A. Late first quarter, second quarter.

13 Q. The list of stores that you've

14 provided, have they ever carried Chamilia jewelry

15 products?

16 A. Some of them, no.

17 Q. Okay. Which ones?

18 A. I have to go back. I don't know which

19 ones are accounts or not accounts right now.

20 Some of those are conversations that I have had

21 with them and that's what they conveyed to us.

22 Q. Have they ever been Chamilia jewelry

23 product customers? Some of them you said are,

24 some of them aren't.

25 A. Yes, I'm sorry, several of those have

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2 been. The Joy Shop was a customer, stopped
3 carrying us because of what they were told.
4 Italiancharms.com was a customer. Carinies was a
5 customer. Those ones that we've discussed were
6 customers for sure.

7 Q. And they're no longer customers?

8 A. No.

9 Q. Do you know whether they carry Pandora?

10 A. To the best of my knowledge, yes.

11 Q. Yes, they do carry?

12 A. Yes, they do.

13 Q. Have you ever heard of Zoe beads?

14 A. Yes.

15 Q. And what are Zoe beads?

16 A. Another product on the market.

17 Q. And what type of product is Zoe bead?

18 A. A bead.

19 Q. What type of bead?

20 A. Sterling silver bead, I believe. I'm
21 not familiar their line that much.

22 Q. Have you personally seen a Zoe bead
23 line?

24 A. Yes.

25 Q. And when was that?

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2 pieces can be manufactured after that that are
3 machine-made. I don't know exactly the process
4 of the factory. But each piece is a handmade --
5 the wax or the design to turn the design into
6 something that can be made in mass.

7 Q. And who designs the wax pieces?

8 A. Craftsmen.

9 Q. Who?

10 A. I don't know.

11 Q. Does Killian?

12 A. No.

13 Q. You don't know who the craftsmen are of
14 the beads that you sell?

15 A. No.

16 Q. Who designs the beads?

17 A. Killian.

18 Q. But she doesn't provide the designs to
19 the craftsmen in order to create the wax that
20 makes the beads?

21 A. No.

22 Q. So how do they know what to make?

23 A. The design, a drawing.

24 Q. And who do they receive that from?

25 A. Killian.

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2 Q. Anyone else?

3 A. No.

4 Q. When did Killian first start designing
5 beads for Chamilia?

6 A. Fall of 2003.

7 Q. September 2003?

8 A. September, October, November.

9 Q. Do you know which part of your jewelry
10 products are made by machine?

11 A. Not all of them. Chain is made by
12 machine.

13 Q. Can you point to any others on Pandora
14 Exhibit 6 which are manufactured by machine?

15 A. I don't know exactly what is made or
16 not made by machine. I know the chain is called
17 manmade -- or machine-made chain, but I don't
18 know what else is.

19 Q. Are any part of the beads made by a
20 machine?

21 A. I don't know.

22 Q. Are any part of the beads handmade?

23 A. Yes.

24 Q. What part is that?

25 A. The mold.

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2 frustrated your deal or agreement that you have
3 with Disney, isn't that right?

4 A. I don't know.

5 Q. Well, you have the agreement with
6 Disney, don't you?

7 A. So the agreement was reached, correct.

8 Q. Does Chamilia have a business plan?

9 A. I don't know.

10 Q. Have you drafted a business plan on
11 behalf of Chamilia?

12 A. I don't recall.

13 Q. Have you ever seen a business plan of
14 Chamilia's?

15 A. No.

16 Q. Does Chamilia have a plan which shows
17 anticipated growth of its business?

18 A. No -- yes, yes.

19 Q. What is that plan?

20 A. Numbers, year-end numbers, sales
21 objectives.

22 Q. And who created those objectives?

23 A. I don't know.

24 Q. You know that they exist, but you don't
25 know who created them?

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2 A. Sales organizations have their own
3 internal numbers what they want to sell. I don't
4 know what their internal goals are to how much to
5 sell.

6 Q. So does Chamilia have a plan which
7 shows anticipated growth of business?

8 A. No.

9 Q. Does Chamilia have a plan which shows
10 it's perspective business opportunities?

11 A. No, not that I recall.

12 Q. Does Chamilia have a list of customers
13 that it intends to target?

14 A. We have a list -- no -- we have a list
15 of customers that reps send us and we send them
16 postcards as we discussed earlier. As a target
17 list, I don't know, I don't know what the count
18 is.

19 Q. Has Chamilia ever held a sales meeting?

20 A. Yes.

21 Q. And when was that?

22 A. The reps did, national sales reps did.

23 Q. And when was that?

24 A. January '04.

25 Q. Where was it held?

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2 that Michael spoke with, Rob Knott in Jersey,

3 said it was a shit product inferior to his

4 product.

5 Q. And when was that communication made?

6 A. I have to go back and look in my notes

7 to see when he spoke with Rob. It was multiple

8 times he spoke with that customer.

9 Q. When was the last time you know that

10 Michael spoke with that customer?

11 A. I have no idea.

12 Q. Have you ever heard a Pandora

13 representative say, in your presence, that

14 Chamilia jewelry products are shoddy quality

15 merchandise?

16 A. No.

17 Q. Have you ever met Steve Glueck?

18 A. Seen him, never met him.

19 Q. Where did you see him?

20 A. San Francisco gift show, fall of '04 --

21 or summer of '04 -- fall of '04.

22 Q. Have you ever spoken to him?

23 A. No.

24 Q. You've indicated that customers have

25 canceled their order to purchase Chamilia jewelry

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2 products based on statements made by Pandora
3 representatives. Can you please identify who the
4 customers are that canceled their orders?

5 MR. GOGGIN: Asked and answered. You
6 went through this for hours --

7 MS. SHORT: I didn't ask about
8 cancellation of orders. I said discontinue
9 of sale --

10 MR. GOGGIN: Yes, you did.

11 MS. SHORT: I'm asking again.

12 A. Going through your notes, I would look
13 at -- one was The General Store in Minnesota.
14 Another was The Joy Shop in Texas, Seven Seas in
15 Kansas. Again, I don't have an exhaustive list
16 with me. I would have to speak with some of our
17 customers. Carinies we mentioned. We mentioned
18 Italiancharms.com. We mentioned --

19 Q. And all of these entities have canceled
20 their orders that they originally placed with
21 Chamilia jewelry products?

22 A. Canceled, yes.

23 Q. All of them?

24 A. To the best of my recollection --
25 canceled orders or canceled other orders or sent

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2 orders back, yes.

3 Q. Which individuals, if any, retailers

4 have decreased their order to purchase Chamilia

5 jewelry products as a result of statements made

6 by Pandora representatives? Any?

7 A. I'm sorry, that was --

8 Q. That was what?

9 A. That was a long thing. I didn't get

10 the whole question.

11 Q. Has a retailer ever decreased their

12 order to purchase Chamilia jewelry products with

13 you based on any statements made by Pandora

14 representatives?

15 A. Yes.

16 Q. And who are they?

17 A. Several of the accounts I just

18 mentioned in the prior one. Joy Shop --

19 Q. Any other than the ones you just

20 mentioned?

21 A. To the best of my -- yes, there's

22 others. Sales rep has much more intimate

23 relationship with the customers and who's buying

24 what and who's canceling what. I don't have the

25 understanding of what, you know, why sometimes an

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2 order is canceled.

3 Q. Have you ever spoken with anyone at

4 Ann's Hallmark?

5 A. Sounds familiar. I don't --

6 Q. Have you ever spoken with anyone --

7 A. I don't recall.

8 Q. Have you ever spoken with anyone at Now

9 and Then?

10 A. I don't recall.

11 Q. And The Gift Gallery, do you know who

12 they are?

13 A. It was an ex-customer, yes, in

14 Minnesota. That's another one who canceled us,

15 Gift Gallery, because of comments from Michael

16 Lund in Atlanta.

17 Q. Did you personally hear the comments

18 made by Michael Lund to The Gift Gallery?

19 A. No.

20 Q. And what statements did you learn from

21 The Gift Gallery that Michael Lund allegedly

22 made?

23 A. That the customer, I can't remember the

24 gentleman's name, he canceled an order with us,

25 canceled some other -- canceled an order with us

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2 under the assumption that Pandora had -- he was
3 told Pandora had a patent and he wanted to send
4 the product back to us or cancel the order
5 because he just didn't want to get involved with
6 being sued, which he was also threatened, from my
7 understanding.

8 Q. Other than yourself and Lisa Whirlow,
9 who would have knowledge of the customer's loss
10 because of statements allegedly made by Pandora
11 representatives?

12 A. Every sales rep.

13 Q. Every single sales rep --

14 A. Most likely. Every's a very -- quite a
15 few sales reps. Quite a few sales reps.

16 Q. How do you know they have that
17 knowledge?

18 A. Because I receive e-mails from them. I
19 receive phone calls from customers. I receive
20 phone calls from them. And I document a lot of
21 those calls in my journal and/or have e-mails
22 that customers and reps have sent me concerned
23 that they lost this business because of rep X
24 from Pandora had made some comments to their
25 store.

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2 Q. Do you have e-mails from your sales
3 representatives which directly reference Pandora?

4 A. Yes.

5 Q. How many do you have?

6 A. I don't know.

7 Q. What is the content of those e-mails
8 referencing Pandora?

9 A. That they were a sales rep from Pandora
10 approached an account, potential account, told
11 them that they're going to shut us down with a
12 patent and that not to buy the product because
13 they'll get sued for profits and we'll be out of
14 business.

15 Q. Which sales reps sent you these e-mails
16 which include -- reference Pandora?

17 A. A lot of the times, it's so common,
18 this happens on a frequent basis, the e-mail will
19 say Pandora problem or Pandora has told them
20 this. So I don't recall all of the e-mails. I
21 don't recall the specifics. Numerous sales reps
22 have sent e-mails in that context.

23 Q. Can you recall any of the sales reps'
24 names as you sit here today?

25 A. Yes.